

# MEMO ENDORSED

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, PLLC

SUMNER SQUARE  
1015 M STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036-3209  
  
(202) 326-7900  
FACSIMILE:  
(202) 326-7999

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April 14, 2008

Hon. Colleen McMahon  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 640  
New York, NY 10007

I 8<sup>th</sup> floor  
Colleen McMahon  
4/15/08

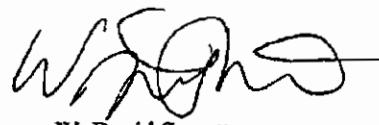
Re: *New York City Employees' Retirement System et al. v. Apache Corporation*, Civil  
Action No. 08-3458 (CM)

Dear Judge McMahon,

We write on behalf of the Defendant Apache Corporation ("Apache") in the above-styled matter.

In accordance with the instructions provided on the Court's website, Apache respectfully submits this statement to inform the Court that Apache's filings made herewith were delayed, beyond the 5 p.m. deadline set by the Court, because of technical difficulties with the Court's Electronic Case Filing ("ECF") system. Before the 5 p.m. deadline, the undersigned confirmed with the Court's ECF helpdesk that the ECF system was down. Apache has made these filings as soon as practical once the ECF system was restored, and Plaintiffs have been provided with courtesy copies of Apache's filings by e-mail. Apache respectfully requests that the Court accept these filings as timely.

Sincerely,



W. David Sarratt